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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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### Minutes

#### **Board of Elevator Regulations**

**One Ashburton Place, Room 611**

**October 6, 2015, 1:00PM**

#### **Board Members Present:**

Joseph O'Malley, Designated Chairman

David Gaudet, Member

David Morgan, Member

Cheri Davis, Member

Tom Riley, Member

John O'Donoghue, Member

#### **Guests Present:**

Paul Ahern (Interstate Elevator)

Arthur Broadhurst (Broadhurst Tabit)

David Lucey (Embree Elevator)

John Petty (Schindler)

David Colonies (Schindler)

Deirdre Hosler (DPS)

Ethan J. Clough (DPS)

#### **Board Members Absent:**

Michael Nicoloro, Member

Harold McGonagle, Member

1. The Board of Elevator Regulations ("Board") reviewed the Meeting Minutes from September 29, 2015. A motion to table these minutes was made by David Gaudet, seconded by Cheri Davis. 6-0 Vote.

#### **The Board discussed the following:**

2. **Paul Ahern, Licensed Elevator Mechanic #EM-005132, Appeal Hearing**

Paul Ahern was accompanied by his attorney, Arthur Broadhurst, to appeal the August 5, 2015 Decision from the Board of Elevator Examiner's Meeting. The Board of Elevator Examiners voted to suspend his Elevator Mechanic's License for 90-Days. Mr. Ahern admitted to failing to renew his Elevator Mechanic's License while continuing to work on elevators. Arthur Broadhurst spoke on Paul Ahern's behalf requesting that the Board reconsider the 90-Day license suspension and instead impose a civil fine. A motion was put forth by David Gaudet to place this case under advisement. The motion was seconded by John O'Donoghue.

**Motion by:** David Gaudet

**Seconded by:** John O'Donoghue

**Vote:** 6-0; Placed on Hold

3. **Product Variance: Schindler 3300, 5300**  
**Manufacturer: Schindler Elevator Corporation**

**Petitioner: David Colonies**

Edward Sandell, Cheri Davis, and David Morgan inspected the Schindler 3300 on September 30, 2015 in Stoughton, MA. The Board members asked the representatives from Schindler Elevator Corporation to request a hearing before the Board of Elevator Regulations to review the Schindler 5500 product. David

Morgan acknowledged three issues with both Schindler products: (1) the belts (2) governor ropes (3) machine clearances. John O'Donoghue confirmed that the belts have proper fire rating. David Morgan discussed Schindler's belt monitoring mechanism which is a 1-Million Ride Belt Monitoring System. The Board made a recommendation that Schindler provide DPS Inspectors with training on these products. A motion was put forth by Cheri Davis to accept the Schindler 3300 with the three variances as requested.

**Motion by:** Cheri Davis

**Seconded by:** David Morgan

**Vote:** 6-0; Granted

**3.b.** The Board made a separate motion to approve the Schindler 5500 product variance. The motion was put forth by Cheri Davis and seconded by David Morgan.

**Motion by:** Cheri Davis

**Seconded by:** David Morgan

**Vote:** 6-0; Granted

**4. 11 Chestnut Street – Amesbury, MA 01913  
524 CMR 17.15(3)**

**Owner:** ARC Technologies, Inc

**Petitioner:** Richard Belanger

The petitioner came before the Board seeking a variance from 524 CMR 17.15(3), which deals with Minimum Load for Freight Elevators. The petitioner is seeking approval to reduce the elevator platform area to comply with the DPS Inspector's Report dated July 10, 2015. The cab size needs to be reduced from a Freight Class "B" to a Freight Class "A" in order to meet the 3000 pound. The petitioner is planning to build a smaller cab on the existing larger cab. The petitioner provided drawings of the proposed renovation. A motion was put forth by David Morgan to issue the petitioner an interpretation for elevator #8-F-6 stating that the Board is aware of the 60-Square Foot platform reduction and will meet the definition of a Class "A" car with 3000-pound capacity.

**Motion by:** David Morgan

**Seconded by:** John O'Donoghue

**Vote:** 6-0, Granted

**5. Code Review**

The Board postponed the code review until Thursday October 8, 2015.

**Matters Not Reasonably Anticipated 48 Hours in Advance of Meeting**

**6. 1 Charles Street – Newburyport**

The Board was in receipt of a certified letter (stamped by a licensed mechanical engineer) from CSI Engineering. A motion was put forth by Cheri Davis to grant the variance from 524 CMR 35 Part 2 § 2.1.4 (9) for unit #206-P-3, which was tabled on September 15, 2015. The motion was seconded by David Morgan.

**Motion by:** Cheri Davis

**Seconded by:** David Morgan

**Vote:** 5-0; Granted – Tom Riley excused himself from the meeting

**Exhibit List:**

Exhibit 1: Meeting Minutes from September 29, 2015

Exhibit 2: Paul Ahern Appeal Hearing Packet

Exhibit 3: Schindler Product Variance for 3300, 5500

Exhibit 4: Petition for Variance: 11 Chestnut Street – Amesbury, MA

Exhibit 5: Petition for Variance: 1 Charles Street – Newburyport, MA

Motion to Adjourn by David Morgan, seconded by John O'Donoghue. Hearing concluded at 3:00 p.m.

Prepared by: Ethan J. Clough

